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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,954	11/26/2003	Erin M. Defosse	064814.0214	9000

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BAKER BOTTS L.L.P.  
PATENT DEPARTMENT  
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AUSTIN, TX 78701-4039

EXAMINER
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WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/722,954

Applicant(s)

DEFOSSE ET AL.

Examiner

Stephan F. Willett

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-29,31 and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-29,31 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/10/5;7/7/5;7/20/5</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 26-29, 31, 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. with Patent Number 6,068,305 in view of Kolls with Patent Number 6,505,095.
2. Regarding claim(s) 26, 35-36, Myers teaches vending hardware, col. 3, lines 25-27. Myers teaches a controller for vending hardware, col. 5, lines 8-13. Myers teaches an electronic controlled lock, col. 5, lines 22-25. Myers teaches an audit type device interfacing with the controller to unlock the vending hardware via a type of remote switch computer, col. 5, lines 33-37. Myers teaches the invention in the above claim(s) except for explicitly teaching a handheld computer interface to supply data associated with transactions and their collection. In that art, Kolls a related vending machine network teaches computing switch type platforms, col. 13, lines 2-3 in order to provide communications with various devices. Kolls specifically teaches "handheld devices", col. 13, line 7 and "audit-credit-interactive system", col. 9, line 6. Kolls teaches maintaining an audit trail, col. 10, lines 40-41; col. 11, lines 18-23. Kolls teaches maintaining an audit trail with time stamps, col. 10, lines 37-38, and including lock access operational data, col. 38, lines 56-57, 65; col. 29, lines 17-22, 26. Kolls teaches initiating

Art Unit: 2142

collection of accounts via an agency, col. 41, lines 62-67. Further, Kolls suggests to “audit inventory, sales, and ... operational performance”, col. 9, lines 8-9 which will result from passing said data. The motivation to incorporate transaction type data via handheld links for collection insures that all devices are monitored and interrelated. Thus, it would have been obvious to one of ordinary skill in the art to incorporate interrelated transaction data for collections via handheld vending machines via wireless means as taught in Kolls into the monitoring system described in Myers because Myers operates remote monitoring and Kolls suggests that handheld connections can be applied to vending machines to supply transaction type data via a WAN as “wireless WAN solutions”, col. 3, line 18. Therefore, by the above rational, the above claims are rejected.

3. Regarding claim(s) 27, Kolls teaches a cashless operation to other vending machines for operation data such as a record, col. 10, lines 40-41. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

4. Regarding claim(s) 28, Kolls teaches initiating collection of accounts via an agency, col. 41, lines 62-67. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

5. Regarding claim(s) 29, 31, Kolls teaches a direct cashless operation to a handheld device for operation data such as a record, col. 8, lines 59-62, and maintaining an audit trail, col. 10, lines 40-41; col. 11, lines 18-23. . The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above

rational, the above claims are rejected.

6. Regarding claim(s) 33, Kolls teaches maintaining authorization, col. 36, lines 15-16. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

7. Regarding claim(s) 34, Kolls teaches obtaining transaction data, col. 10, line 41. The motivation to incorporate transaction type data via handheld links insures that all devices are monitored and interrelated. Therefore, by the above rational, the above claims are rejected.

***Response to Amendment***

1. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

1. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

### Conclusion

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. A close review of the references is suggested. The other references cited teach numerous other ways to perform wireless vending machine status transmissions, thus a close review of them is suggested.

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

4. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Art Unit: 2142

1. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

August 3, 2005

A handwritten signature in black ink that reads "Andrew Caldwell". The signature is written in a cursive, flowing style.

ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER